

Application No. : 10/635,593  
Filed : August 5, 2003

REMARKS

Claims 2, 3, 5, 6 and 8-45 were pending in the application. By this paper, Applicant has amended Claims 2, 3, 9, 12, 25, 27, 30, 32 and 33. Accordingly, Claims 2, 3, 5, 6, and 8-45 are 5 presented for examination herein.

*Allowed Claims*

Per Page 4 of the Office Action, Claims 5, 6, 8, 15-24 and 35-45 stand allowed. Applicant thanks the Examiner for the allowance of these Claims.

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*§112 Rejections*

**Claims 2, 3** – The Examiner has rejected Claims 2 and 3 under 35 U.S.C. §112 for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has specifically asserted that the language “symbol generated by a border node” is not clear because the specification teaches that the border node converts the request, but does not perform symbol generation.

By this paper, and without addressing the propriety of the Examiner’s rejection, Applicant has amended Claims 2 and 3 without prejudice to remove this language, rendering the Examiner’s objections moot.

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*§101 Rejections*

**Claims 2, 3, 25 and 30** – The Examiner has rejected Claim 2 under 35 U.S.C. §101 for lacking patentable utility. The Examiner has specifically asserted that the recited “data” stored in the computer readable storage medium is no more than an abstract idea.

25 By this paper, Applicant has amended Claim 2 to recite, *inter alia*, a computer readable storage medium comprising instructions which, when executed by a computer, generate data.

Support for this amendment is replete throughout Applicant’s specification, and hence no new matter has been added by way of these amendments. Since the aforementioned language 30 recites practical utility for the claimed invention, Applicant respectfully asserts that amended Claim 2 comports with the requirements of 35 U.S.C. §101, and therefore overcomes the Examiner’s rejection.

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Similar logic applies to Claims 3, 25 and 30, also amended herein.

*§103 Rejections*

**Claim 2** – The Examiner has rejected Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Stone, et al. (U.S. Patent Number 6,519,657; hereinafter, “Stone”). The Examiner has specifically asserted that it would have been obvious for one of ordinary skill in the art at the time of the invention to include an indication that a legacy node wishes to arbitrate within the beta cloud, since the request itself indicates that the legacy node wishes to arbitrate.

By this paper, Applicant has amended Claim 2 to recite, *inter alia* limitations relating to one or more non-border nodes within the beta cloud not comprising a gap timer. Support for this amendment is replete throughout Applicant’s specification, and can be found specifically, for example, at pages 23-24, pars. [0093]-[0097]. Hence, no new matter has been added by this amendment.

Applicant respectfully asserts that the aforementioned limitation renders Applicant’s claim non-obvious over the prior art. Generally speaking, Stone discloses a hybrid bus network comprising one or more beta clouds such that each node in the beta cloud is capable of handling standard 1394a requests for arbitration. As the Examiner has correctly noted, Stone does not convert or modify standard 1394a requests; instead, the 1394a requests are simply passed into and out of a beta cloud when necessary (*see, e.g.*, col. 9, lines 6-10; lines 18-35).

Similarly, Stone’s 1394b nodes arbitrate by sending a 1394b request to the local root (col. 9, lines 37-38). The local root converts the 1394b request into a 1394a request and then broadcasts it over the beta cloud (col. 9, lines 38-39). Once the corresponding border node receives the 1394a request, the border node forwards the 1394a request over the Legacy cloud to the 1394a root, and the 1394a root then issues the grant (col. 9, lines 39-43).

In order to facilitate this type of arbitration, however, Stone requires that each of his 1394b devices “have a gap counter and must correctly respond to PHY configuration packets which set that timer” (col. 9, lines 55-56). This is because the legacy standards rely on a fixed-timer system, as opposed to the symbol-based system utilized in 1394b (see Applicant’s Par. [0029]). If Stone did not provide each of his beta nodes with such timers, Stone’s system would often incorrectly grant out-of-phase requests.

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By contrast, Applicant has specifically herein claimed in Claim 2 one or more non-border nodes within the beta cloud that do not comprise a gap timer. Applicant respectfully asserts that Stone's system cannot function without each 1394b device having a gap timer, as Stone himself has admitted (col. 9, lines 55-56). Shifting the timing functionality to the border nodes thus 5 advantageously frees up nodes in the beta cloud from requiring their own gap timer logic. Applicant further submits that this design would not be obvious to a person of ordinary skill in the art at the time of the invention, in light of the teachings of Stone.

As such, Applicant respectfully asserts that amended Claim 2 is non-obvious over the prior art, and is therefore presently in condition for allowance.

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**Claim 3** – The Examiner has rejected Claim 3 under the same rationale used in the rejection of Claim 2. Applicant has herein amended Claim 3 to include limitations relating to one or more non-border nodes within the beta cloud not comprising a gap timer. Applicant respectfully asserts that Claim 3 is allowable for reasons similar to those presented above with 15 respect to Claim 2.

#### *Other Amendments*

**Claims 9, 12, 27 and 32** – Applicant has amended these claims to maintain consistency with language referenced in each corresponding parent claims. No new matter has been added 20 by way of these amendments.

**Claims 32, 33** – Applicant has amended these claims to correct for accidental omissions of the word "The." No new matter has been added by way of these amendments.

25 *Other Remarks*

Applicant hereby specifically reserves all rights of appeal (including those under the Pre-Appeal Brief Pilot Program), as well as the right to prosecute claims of different scope in another continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for 30 the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a

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position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely  
5 to such claim or claims.

If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

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GAZDZINSKI & ASSOCIATES

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